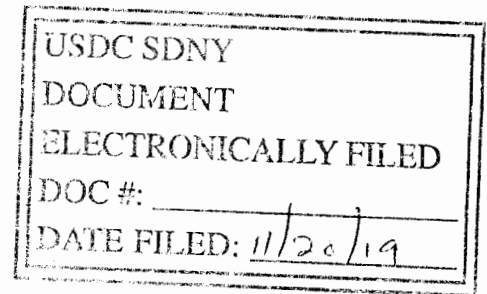


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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VEDDER PRICE P.C., :

Plaintiff, : ORDER

-v.- :

US CAPITAL PARTNERS, LLC, et al., : 16 Civ. 6787 (JPO) (GWG)

Defendants. :
-----X

GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

The application in Docket # 120 is denied without prejudice. It is apparent the parties have not had a telephone or in-person conversation as required by paragraph 2.A of the Court's Individual Practices (or as required by paragraph 4.B of Judge Oetken's Individual Practices).

Rather than follow the procedures in paragraph 2.A now, however, the parties shall instead follow a different process. First, the parties shall confer in person or by telephone about all issues raised in Docket # 120 and subsequent letters in an attempt to reach a resolution. At this in-person or telephonic conference, the parties shall discuss each issue in detail making all efforts to reach a reasonable agreement as to that issue. If any disputes remain, they shall be presented in the form of a jointly composed letter that describes each dispute in detail and provides the opposing party's position as to that dispute in detail. Before filing such a letter, each side shall be given an opportunity to adjust its portion of the letter to respond to the other side's written draft describing its side of the dispute. Also, each side must make itself available to consult telephonically with opposing counsel as part of the composition process. If necessary, parties should consult in early morning or evening hours. It is critical that each party address in the final letter its responses to the other side's position as to each issue and that this letter represent every effort to reach a compromise.

The Court notes that if such a letter is filed, the Court may decide any disputes based on the letter (unless a party, by means of a separately filed letter, explains why the jointly-composed letter does not sufficiently describe a particular dispute and that formal briefing should be required for that dispute).

SO ORDERED.

Dated: November 21, 2019
New York, New York

GABRIEL W. GORENSTEIN
United States Magistrate Judge